

February 20, 2020

Via ECF

The Honorable Jesse M. Furman
United States Magistrate Judge
Southern District to New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

**Re: *Boyce v. Weber*, Case No. 1:19-cv-03825-JMF-SN
Joint Letter Motion to File Under Seal**

Dear Judge Furman:

I am writing jointly on behalf of counsel to the parties in the above-entitled action to respectfully ask the Court to permit portions of Defendants' Motion for Summary Judgement and *Daubert* Motion and supporting documentation for both motions be filed under seal and contain redactions.

During meet and confer correspondence and a meet and confer telephone call on 2/20/20, Defendants indicated that their Motion for Summary Judgement will contain (1) sexually explicit photographs of the Plaintiff, and (2) correspondence concerning alleged sexual encounters between the Plaintiff and third parties. It is Plaintiff's position that such materials are highly sensitive, subject to privacy concerns, inadmissible at trial, and should be filed under seal.

During the same meet and confer efforts, Defendant indicated that his *Daubert* motion regarding Plaintiff's expert Dr. Judy Ho will contain and attach, among other things, (1) the expert report of Plaintiff's expert Dr. Ho, and (2) the transcript of Dr. Ho's deposition. On January 15, 2020, Magistrate Judge Netburn ordered that certain materials regarding raw data testing be treated as highly confidential, and instructed Plaintiff to move the Court to file certain documents under seal should they contain protected materials regarding Plaintiff's Expert's Report and Opinion. It is Plaintiff's position that in view of the Court's Order, that the entire report of Dr. Ho and the entire deposition of Dr. be filed under seal.

I have been advised that Defendants defer to Plaintiff's position for purposes of today's filing and may revisit the scope of the sealing at a future date

Per this Court's Electronic Case Filing Rules & Instructions, Counsel for Defendants will file the subject documents under temporary seal and relate them to this motion. Counsel for Defendant will also publicly file said materials with redactions.

Per Judge Netburn's January 15, 2020 Order, this Court's Local Rules, and *Lugosch v. Pyramid Co. of Onondaga*, [435 F.3d 110](#) (2d Cir. 2006), providing for the narrowly tailored

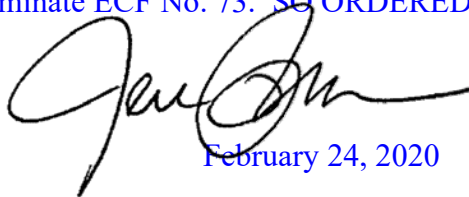
sealing of documents when “higher values necessitate” (Id.), the parties respectfully request this Court permit Defendant’s to file their motion papers under seal and/or with redactions.

Respectfully submitted,

/s/ Arick Fudali

Arick Fudali
Attorneys for Plaintiffs

The parties' application is GRANTED temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motions. The Clerk of Court is directed to terminate ECF No. 73. SO ORDERED.

A handwritten signature in black ink, appearing to be "Janice M.", is written over the date. The signature is fluid and cursive.

February 24, 2020

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